



Cass County
Planning Commission/Board of Adjustment

April 11, 2016

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting April 11, 2016 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted April 4, 2016 with PC members Fitch, Kostial, LaPorte, Moore, Pehling and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

Sundberg called the meeting to order at 9:34 a.m.

Members present: Fitch, Froehlig, Kostial, LaPorte, Moore, Pehling and Sundberg.

Staff Present: Berg, Fairbanks, and Ringle.

Citizens Present: Craig Anderson, Gary Haglund, Robin Haglund, Bob Horn, William Korman, John Myrdahl, Linda Nichols, Mark Nichols, Pat Nifti, Dennis Rohlf, Rick Schaefer, Kathy Scharmer, Neal Scharmer, Raymond Schrupp, Mary Sirucek, Jim Remington, Lynn Remington, Jeff Peterson, Walter Sjoland, Wayne Tokkesdal, Melinda Tucker, Debra Unke, Garth Unke, Susan Ungstad, and Grace Werner.

MS/P Kostial/Froehlig to approve the minutes of the 03/14/16 PC/BOA meeting as presented.

Variance

Burns, Jane, Woodrow Township on property owned John Vanden Branden described as Lots 5 & 6, Block 4, "Minne Teepe Portage", Section 22-140-29, PID #51-452-0430 & Lots 1 thru 3, Block 2, "West's Breezy Heights", Section 22-140-29, PID #51-455-0205 located at 901 County 11 NW. An application submitted to construct a Subsurface Soil Treatment System (SSTS) with the tank 83 feet and the treatment area 108 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1126. 1. A. which requires a SSTS to be setback 150 feet from a lake classified Natural Environment (NE). The property contains .9 acre riparian to IXL Lake (NE).

PC members were at the site 04/04/16. 53 notices of the application were mailed with one response recommending denial received. The application was reviewed with the applicant's representative, SSTS contractor Mr. Schrupp.

MS/P Moore/LaPorte to approve the application for the SSTS location as submitted to be located upon PID #51-452-0430 & PID #51-455-0205 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property consists of two platted lots, one 1923 and one 1954, both prior to the adoption minimum size requirements based upon lake classification.
2. The physical features of the property including depth from the lake to rear lot line, 113 feet to 135 feet, presents practical difficulty to SSTS placement.
3. SSTS setback for a NE lake is 150 feet.
4. There is nothing to indicate that the proposed SSTS location and size will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information to indicate that the application is solely financially based.
6. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The application, if approved and assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. The application, if approved, will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. The SSTS location and the design of the proposed have been submitted by a MPCA licensed professional.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and design of the SSTS shall not vary from that submitted 03/22/16 unless approved by ESD.

2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Hebert, John, Wabedo Township on property described as N 150 Ft of Govt Lot 2, Section 14-140-28, PID #46-014-1404 located along N Eagle Road NE. An application submitted to construct a 50 feet x 52 feet walk-out residence with attached garage and Subsurface Soil Treatment System (SSTS) to be located at less than the required bluff and lake setback. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1126. 1. B. which requires structures to be setback 30 feet from the top or toe of a bluff and Section 1106.3 which prohibits a walk-out basement within the bluff impact zone. The property contains 3.6 acres riparian to Little Boy Lake (RD).

PC members were at the site 04/04/16. 23 notices of the application were mailed. Two responses including that of Wabedo Township both recommending approval of the application were received. The application was reviewed with Mr. & Mrs. Hebert. The discussion included the topography of the lot, the upper and lower bluff along with the location of the proposed structure and SSTS.

MS/P LaPorte/Kostial to approve the application as submitted by for the residence to be located upon PID #46-014-1404 upon review of the criteria contained in Sections 800, 1106.3 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property is undeveloped.
2. The property became of record in 2008 at which time two bluffs were noted without reference to the setback to the toe of the upper bluff.
3. The physical topography of the property presents practical difficulty to structure and SSTS placement.
4. There is nothing to indicate that the residence and SSTS location will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

5. There is no information to indicate that the variance is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval of the residence location, assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. The residence location will not result in a land use detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The size, location and height of the residence shall not vary from that submitted 02/04/16 unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. The structure may be located at 0 feet from the toe of the upper bluff but no excavation within the upper bluff is approved.
5. The structure may be located at 10 feet from the top of the lower bluff but no excavation within the lower bluff is approved.
6. A detailed grading and erosion control plan for the walk-out construction shall be submitted to ESD prior to the commencement of construction.
7. Excavation for the walk-out area shall not exceed 50 cubic yards.

8. Use of small mechanized equipment for this project within the bluff impact zone is approved.
9. The applicant shall notify ESD of the placement of erosion control measures for verification prior to the commencement of construction.
10. The applicant shall provide in the name of Cass County a Letter of Credit or cash in the amount of \$7,500 which shall be reduced incrementally as authorized by ESD based upon construction completion with appropriate erosion management.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Korman, William, Crooked Lake Township on property described as South 100 Feet of North 800 Feet of Govt Lot 4, Section 20-139-26, PID #12-020-2108 located at 1128 Mule Lake Drive NE. An application submitted to expand an existing non-conforming residence with a 12 feet x 30 feet porch on the lakeside of the residence which will be 73 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes non-conforming structure criteria and Section 1126. 1 A. which requires structures to be setback 150 feet from a lake classified Natural Environment (NE). The property contains 1.8 acres riparian to Mule Lake (NE).

PC members were at the site 04/04/16. 29 notices of the application were mailed with one response recommending approval of the application was received. The application was reviewed with Mr. Korman.

MS/P Fitch/Froehlig to approve the application as submitted for the deck expansion for the residence located upon PID #12-020-2108 upon review of the criteria contained in Sections 800, and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1954.
2. The lot is 900 feet deep from lake to rear property line and 120 feet from lake to Maple Lake Drive.
3. There is no record in the permit archive for the original construction of the residence.
4. ZP89-139-26-71 shows the residence in its current location.
5. There is no record or any indication that the existing deck is not part of the original construction.
6. There is nothing to indicate that enclosure of the current deck area along with slight increase in coverage will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect,

preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

7. There is no information to indicate that the variance is solely financially based.

8. The residence location will not allow a use that is prohibited in the zoning district in which the subject property is located.

9. The deck enclosure, assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.

10. The deck enclosure will not result in land use or activity that will be detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.

2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.

3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.

2. The size and location of the porch shall not vary from that submitted with the application 03/22/16 unless approved by ESD or if necessary the Planning Commission.

3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.

4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Maske, Erica & Mike, Turtle Lake Township on property described as Lot 10, "Blue Water Beach" & Part of Govt Lot 9, Section 36-142-30, PID #45-551-0100 located at 7516 Blue Water Beach Road NW. An application submitted to construct a 42 feet x 50 feet, 2,100 square feet, accessory structure across Blue Water Beach Road more than 200 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, and Section 1101 which allows for a maximum of 1,800 square feet detached accessory structure on a lot containing from 1.5 - 1.99 acres. The property contains 1.72 acres riparian to Leech Lake (GD).

PC members were at the site 04/04/16. 27 notices of the application were mailed with one response received. The application was reviewed with the applicant's representative.

MS/P Kostial/Pehling to approve the application for the accessory structure size and location as submitted to be located upon PID #45-551-0100 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The accessory structure will be located on the non-riparian portion of the property across Blue Water Beach Road more than 200 feet from the lake.
2. The existing 21 feet x 23 feet accessory structure will be removed.
3. The proposed square footage exceedance, 392 square feet, will be insignificant and mostly imperceptible from Blue Water Beach Road and neighboring property because of the increased setback from property line (20 feet) and the road right-of-way setback (40 feet).
4. There is nothing to indicate that the location of the accessory structure will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information to indicate that the application is solely financially based.

6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The accessory structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. The accessory structure location will not result in a land use detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The size, location and height of the structure shall not vary from that submitted 03/07/16 unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Nichols, Mark & Linda, Woodrow Township on property described as Lot 14, "Hainings 1st Addition", Section 30-140 -29, PID #51-507-0140 located at 2031 Big Deep Lake Drive NW. An application submitted to expand the existing non-conforming residence located 73 feet from the lake by converting an existing 8 feet x 18 feet deck to an 8 feet x 20 feet porch. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes non-conforming structure criteria and Section 1126. A. which requires structures to be setback 100 feet from the Ordinary High Water Level (OHWL) of a lake classified Recreational Development (RD). The property contains .94 acre riparian to Big Deep Lake (RD).

PC members were at the site 04/04/16. 33 notices of the application were mailed with no responses received. The application was reviewed with Linda and Mark Nichols.

MS/P Kostial/Pehling to approve the application as submitted by for the deck expansion and enclosure for the residence located upon PID #51-507-0140 upon review of the criteria contained in Sections 800, 1106.3 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. "Hainings 1st Addition" was platted in 1966.
2. The residence/deck was approved and constructed in the current location by ZP76-140-29-6.
3. The deck proposed for expansion and enclosure is located on the side of the residence.
4. There is nothing to indicate that enclosure of the current deck area along with slight increase in coverage will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information to indicate that the variance is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The deck enclosure along with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in land use or activity that will be detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The size and location of the porch and attached steps shall not vary from that submitted with the application 03/04/16 unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Remington, James, Crooked Lake Township on property described as South 100 Feet of North 600 Feet of Govt Lot 4, Section 20-139-26, PID #12-020-2106 located at 1144 Mule Lake Drive NE. An application submitted to locate an existing re-configured accessory structure one foot from a re-located property boundary line. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 B. which requires structures to be setback 10 feet from a property boundary line. The property contains 2.2 acres riparian to Mule Lake (NE).

PC members were at the site 04/04/16. 36 notices of the application were mailed. One response recommending approval of the application was received. The application was reviewed with Mr. & Mrs. Remington who explained their property boundary line situation.

MS/P Moore/Kostial to approve an 8 feet property boundary line setback for the existing residence, a one foot property boundary line setback for the existing driveway and a one foot property boundary line setback for the to be reconfigured accessory structure located on the west side of Mule Lake Drive upon PID #12-020-2106 upon review of the criteria contained in Sections 800 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1946.
2. The realignment of the accessory structure location is required due to a property boundary line correction between the applicant's lot and that of the directly adjacent lot to the north, PID #12-020-2105.
3. The property boundary line realignment presents practical difficulty to structure location which creates an existing encroachment.
4. There is nothing to indicate that the reconfiguration of the structure at less than 10 feet from the property boundary line will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information to indicate that the variance is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The structure realignment with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in a land use detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The location of the structure shall not vary from that submitted 03/21/16 with the application unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Scharmer, Neal, Kego Township on property described as Part of Govt Lot 2, Section 33-141-28, PID #19-033-1309 located at 5061 Sawmill Trail NE. An application submitted to construct a 24 feet x 32 feet accessory structure/garage with an attached 12 feet x 32 feet porch to be located 60 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The property contains .94 acres riparian to Girl Lake (RD).

PC members were at the site 04/04/16. 52 notices of the application were mailed with no responses received. The application was reviewed with Mr. and Mrs. Scharmer.

MS/P LaPorte/Froehlig to approve the application for the lake setback of 60 feet for the accessory structure/porch to be located upon PID #19-033-1309 upon review of the criteria contained in Sections 800 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property which became of record in 1977 is of a peninsula configuration to which the required 100 feet setback is not possible.
2. The physical topography of the property presents limited options for other than the 60 feet setback location practical difficulty to structure placement.
3. There is nothing to indicate that the accessory structure/porch location will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. There is no information to indicate that the variance is solely financially based.
5. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. Approval, assuming appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
7. Approval will not result in a land use or activity that will affect ground or surface water.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The size, location and height of the structure shall not vary from that submitted 03/17/16 with the application unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Tokkesdal, Wayne, Trelipe Township on property described as Lot 10, Block 1, "Cedar Shadows", Section 5-140-27, PID #44-353-0120 located at 4609 E Shore Drive NE. An application submitted "after the fact" to approve the already completed conversion of a 22 feet x 24 feet attached garage to vaulted ceiling living area with height to peak of 22 feet. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1115.3 which establishes non-conforming structure criteria. The property contains .7 acre riparian to Lake Inguadona (GD).

PC members were at the site 04/04/16. 24 notices of the application were mailed with no responses received. The application was reviewed with Mr. Tokkesdal.

MS/P Froehlig/Fitch to approve the application, "after the fact", for the increase in volume of the non-conforming residence located upon PID #44-353-0120 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 and the "Statsvold" Decision with the following findings and conditions:

Findings:

1. The former garage area non-conforming residence has been converted to living area with an increase in height to peak therefore an increase in volume.
2. The conversion did not affect the existing 60 feet setback from the lake.
3. There is no information or evidence to indicate that the conversion or increase in height to peak has altered or disturbed or neighboring property or land use and does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

4. There is nothing to indicate that the conversion and application was solely financially based.
5. The height to peak is less than the maximum allowed, 22 feet/30 feet.

"Statsvold" - After the Fact Factors:

1. There is nothing to indicate or anyway to determine that the applicant did not act in good faith when the conversion took place.
2. The applicant is now attempting to comply with the ordinance.
3. There are similar structures along Lake Inguadona.
4. The degree of impact to the area and the land use system is not significant and the County's benefits by obtaining a variance to expand the non-conforming residence are not outweighed by the applicant's burden if the applicant were required to comply with the ordinance and in light of all factors, the interest of justice is served by granting the ATF variance.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
3. The applicant shall contact ESD to resolve existing wetland issues.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO

ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO,
REVOCAION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Tucker, Melinda, Crooked Lake Township on property described as of Lot 9, "Smoky Hollow Addition", Section 34-139-26, PID #12-509-0090 located at 6329 Smokey Hollow Road NE. An application submitted to remove and replace the existing lakeside residence deck with an 8 feet x 42 feet deck to be located 48 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The property contains 2.5 acres riparian to Smokey Hollow Lake (RD).

PC members were at the site 04/04/16. 49 notices of the application were mailed with one response recommending denial of the application was received. The application was reviewed with Ms. Tucker.

MS/P Kostial/LaPorte to approve the application for the replacement and increase in size of the deck for the residence located at PID #12-509-0090 upon review of the criteria contained in Sections 800 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7:

Findings:

1. "Smoky Hollow Addition" was platted in 1954.
2. According to ZP73-139-26-5 the residence/deck was approved at the current location.
3. The proposed deck will replace the former deck, since removed, with an insignificant increase in width.
4. There is nothing to indicate that the proposed deck will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information to indicate that the variance is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval, assuming appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in a land use detrimental to ground or surface water.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The size of the deck, 8 feet x 42 feet, shall not vary from that confirmed at the 04/11/16 PC meeting.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. As volunteered by the applicant, the existing outhouse shall be removed.
5. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Unke, Garth, Woodrow Township on property described as N100' of S130 Feet of N300 Feet of Govt Lot 1, Section 11-140-29, PID #51-011-1111 located at 503 County 5 NW. An application submitted to expand the existing non-conforming residence located less than 30 feet from the top of a bluff with a 10 feet x 35 feet addition with a 6 feet x 10 feet porch to be located away from the top of the bluff and the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes non-conforming structure criteria and Section 1126.1 B. which requires structures to be setback 30 feet from the top of a bluff. The property contains 2.9 acres riparian to Woman Lake (GD).

PC members were at the site 04/04/16. 34 notices of the application were mailed with no responses received. The application was reviewed with Debra and Garth Unke.

MS/P Froehlig/Fitch to approve the application for the expansion of the non-conforming residence at PID #51-011-1111 upon review of the criteria contained in Sections 800 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7:

Findings:

1. The property became of record in 1974 prior to the adoption of bluff regulation.
2. The physical location of the residence, within the bluff, presents practical difficulty to structure expansion.
3. There is nothing to indicate that the residence expansion will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. There is no information to indicate that the variance is solely financially based.
5. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. Approval, assuming appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
7. Approval will not result in a land use detrimental to ground or surface water.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of

financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
2. The size and location of the expansion shall not vary from that submitted 03/11/16 with the application unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Werner, Grace, Crooked Lake Township on property described as of Lot 7, "Smoky Hollow Addition", Section 34-139-26, PID #12-509-0070 located at 6303 Smokey Hollow Road NE. An application submitted to expand the existing non-conforming residence 70 feet from the lake. The application calls for a 14 feet x 22 feet non-lakeside addition to be 94 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes non-conforming structure criteria and Section 1126.1 A. which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The property contains 2.5 acres riparian to Smokey Hollow Lake (RD).

PC members were at the site 04/04/16. 45 notices of the application were mailed with no responses received. The application was reviewed with Ms. Werner.

MS/P Moore/Froehlig to approve the application for the expansion of the residence located at PID #12-509-0070 upon review of the criteria contained in Sections 800 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7:

Findings:

1. "Smoky Hollow Addition" was platted in 1954.
2. According to ZP75-139-26-64 the residence was at the current location.
3. The expansion will be to the non-lakeside.
4. There is nothing to indicate that the expansion deck will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of

the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

5. There is no information to indicate that the variance is solely financially based.

6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.

7. Approval, assuming appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.

8. Approval will not result in a land use detrimental to ground or surface water.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.

2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.

3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.

2. The size and location of the addition shall not vary from that submitted 03/23/16 with the application.

3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.

4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 04/11/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Conditional Use Permit

Christman, Rhonda, May Township on property described as S $\frac{1}{2}$ SW SW, Section 10-134-31, PID #24-110-3302 located at the NE corner of 57th Avenue SW and 104th Street SW. An application submitted to reclassify the property from Agriculture/Forestry (AF) to Rural Residential - 20 (RR-20) which requires approval by conditional use permit (CUP). The applicable sections of the Land Use Ordinance (02/15/13) include Section 705 which establishes CUP standards and Sections 903 and 1001 which establish land use districts standards. The property contains 20.01 acres (AF).

16 notices of the application were mailed with no responses received. The application was reviewed with Ms. Christman.

MS/P LaPorte/Kostial to approve the application for reclassification of PID #24-110-3302 upon review of the criteria contained in Sections 705, 903 and 1001. of the Land Use Ordinance with the following findings and conditions:

Findings/Approve:

1. The purpose of the RR-20 is to allow for low density rural development.
2. The lot has been created and recorded as non-compliant.
3. There is nothing to indicate that the lot and subsequent single family development will have any detrimental impact to neighboring property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or contradict the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. The surrounding area consists of a similar development along with open area to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the reclassification.
5. Approval will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed.
8. No scenic or historic features will be affected.
9. No threat to public health, safety and welfare can be expected.

Condition/Approve:

1. The reclassification and approved use shall apply to the acreage and boundary as submitted and recorded.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Other Business

* Request received from Dennis Rohlf, Bluewater Lodge on Leech Lake, to consider revision to CU11-141-31-4 in regard to requirements prescribed for resort unit occupation by the unit owner.

MS/P Moore/Kostial to amend CU11-141-31-4 to delete Condition #11 and to add Condition #35 that the residential resort units cannot be declared Homestead for taxing purposes and that per Condition #33, the owner occupation requirements is subject to the current ordinance standards.

* Request received from Gary and Robin Haglund, Bluewater Resort on Webb Lake, to consider revision to CU14-140-30-1 in regard to rental requirements. Discussion centered the resort definition standards and the effect of owner occupation requirements on their resort. The expressed their opinion that their small and rather simple amenities should be considered under different standards when compared to the large resort properties. Discussion concluded with the Haglunds confirming that they will contact DOH as to resort criteria and to contact a Minnesota resort industry group for possible assistance and that ESD will request opinion from Office of the Cass County Attorney as to resort standards and what option might available as to strict adherence to state standards.

* Hear and discuss results from the sub-committee selected to review current feedlot requirements and standards. John Ringle reported sub-committee recommended not re-adopt a feedlot ordinance. In addition Mr. Ringle discussed neighboring standards and the possible consideration of the adoption feedlot separation distances. Several persons in attendance spoke in support of feedlot regulation and indicated their support of adoption of increased Cass County regulation. Discussion concluded with a commitment of the PC to continue the feedlot regulation evaluation and to include local feedlot operators in the discussion and that all feedlot proposals if proposed for ordinance amendment and/or adoption shall be considered separately from the current amendment proposal.

* John Ringle presented and discussed proposed amendments to the Land Use Ordinance and requested the members determine a date and time for 1st Reading.

MS/P Moore/Kostial to conduct 1st Reading Proposed Ordinance Amendment for 05/23/16 @ 1:00 PM in the meeting room of the Land Department.

MS/P Fitch/Pehling at 3:33 pm, to adjourn.

P. Fairbanks